

# **Court Facilities Dispute Resolution Committee**

Ms. Karen Finn, Chair, Representative of the Department of Finance  
Justice Ron Robie, Representative of the Judicial Council  
Supervisor John Tavaglione, Representative of the California State Association of Counties

October 10, 2008

Michael C. Genest, Director  
Department of Finance  
State Capitol, Room 1145  
Sacramento, CA 95814

Re: Court Facilities Dispute Resolution Committee Recommendations from the  
September 22, 2008, meeting

Dear Director Genest:

This letter is to inform you that the Court Facilities Dispute Resolution Committee (DRC) formally met on September 22, 2008, to hear the Orange County initiated dispute regarding the Seismic Safety Rating for five separate trial court facilities; (1) Central Justice Center, (2) Lamoreaux Justice Center, (3) North Justice Center, (4) West Justice Center, and (5) Harbor Justice Center.

Government Code Section 70328 provides that the seismic safety rating of a facility may be appealed by the county to the Court Facilities Dispute Resolution Committee. In such a dispute, the state has the burden of proving by a preponderance of the evidence the unacceptable seismic safety rating. Government Code Section 70327 provides that the state shall provide for a licensed structural engineer to inspect and evaluate each court facility for seismic safety if the building was constructed under a building code prior to the 1988 Uniform Building Code and the facility has not been upgraded since 1988 for seismic safety. The law does not specify what determines an adequate seismic safety upgrade.

The Committee's recommendations are detailed below:

## **Central Justice Center**

This facility received a Seismic Rating Level V by the AOC, pursuant to a complete assessment by a licensed structural engineer. The facility will transfer as one facility, but it is actually made of two separate, but joined, structures. According to the County, this facility was upgraded in 1997 for seismic deficiencies. The upgrade was funded through a grant from the state and was approved by the State Architect. Per existing law, Government Code Section 70327, facilities that were seismically upgraded using post-1988 uniform building standards exempts them from being evaluated; therefore this facility should have transferred to the state without being subject to further review and evaluation of its structure. The AOC stated that while a seismic upgrade occurred, it was only enough to prevent collapse and the upgrades did not change the seismic safety rating from a level V to a level IV as two structural deficiencies remain unaddressed. Specifically, the AOC contends that the building still poses a serious risk to life because the floors of the two buildings do not line up, floor to floor. The AOC also contends that the existing columns are overstressed.

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It is clear from the testimony given that the County tried to comply with the law by seismically upgrading the facility. Even though the AOC contends that the upgrade only addressed collapse prevention, the renovations were approved by the State Architect and the County would have likely pursued additional remedies, if specified by law. The County should not be held to a higher standard than required by law.

**Recommendation:** Approve the appeal by Orange County. The Committee voted 2-1 to recommend that the County appeal be approved, on the grounds that the County complied with the law by seismically renovating the facility.

### **Lamoreaux Justice Center**

This facility, determined to be a SRL V, was constructed in 1992. Originally, the building was designed to 1985 uniform building standards, but amended to include the post-1988 uniform building standards. The AOC did not include the post-1988 amendments into their analysis. Prior communication on this item noted that the parties would discuss this issue in more detail at a subsequent meeting; however, this meeting did not take place.

**Recommendation:** The Committee withholds recommendation on this item, pending further face-to-face meetings between the AOC and the County. The Committee will resume hearing this item upon conclusion of the scheduled October 28, 2008 DRC meeting.

### **Harbor Justice Center**

This facility received a Seismic Rating Level V from the AOC. The County contends that this was a design issue, not a seismic risk and that an earthquake would cause damage to the facility, but not enough to warrant a seismic risk level V rating. The AOC noted that the structural engineer retained by the County concurred with the peer review of the analysis and with the AOC's rating for this building in their September 18, 2008, letter.

**Recommendation:** Deny the appeal. The Committee members voted unanimously to deny the County's appeal. The County did not present sufficient evidence to dispute the seismic risk rating, as determined by the structural engineer that was retained by the AOC.

### **West Justice Center**

This facility received a Seismic Rating Level V from the AOC. The County disputes the seismic risk level given to this facility because the AOC did not actually inspect the plaster ceiling nor provide the detailed calculations of the identified upgrades for the penthouse. Additionally, the County contends that the AOC rated these items as "pending". The AOC noted that the penthouse sat over the lobby and in a seismic event, the structural design could allow for the collapse of the penthouse into the lobby, injuring the occupants. Additionally, the AOC's experience with other facilities containing plaster ceilings allowed them to make a determination based on that knowledge.

**Recommendation:** Deny the appeal. The Committee members voted unanimously to deny the County's appeal. The County did not present sufficient evidence to dispute the seismic risk rating, as determined by the structural engineer that was retained by the AOC.

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### **North Justice Center**

This facility received a Seismic Rating Level V from the AOC. However, it should be noted that this facility consists of three buildings; one built in 1968, one built in 1972, and one built in 1981. While they are separate buildings, they will transfer as one facility. In addition, buildings one and two are connected with 2" seismic joints and buildings two and three are connected by a breezeway. The County contends that the major seismic deficiency in this facility concerns specified steel columns in the 30-C1-A building (built in 1981). The County states that these columns are not deficient and that they have the capacity to withstand most stresses. The County disputes the seismic risk level rating because summary results from the AOC did not adequately state which walls and connections were in dispute.

**Recommendation:** Deny the appeal. The Committee members voted unanimously to deny the County's appeal. The County did not present sufficient evidence to dispute the seismic risk rating, as determined by the structural engineer that was retained by the AOC

Per Government Code Section 70303, the DRC will make recommendations regarding disputes to the Director of the Department of Finance who will then make the final determination. Please accept this letter as the DRC's formal recommendation on the above listed dispute.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Karen Finn', written in black ink.

Karen Finn, Chair

cc: All Interested Parties of the Court Facilities Dispute Resolution Committee